

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

IN RE:

Nowamagbe Austin Omoigui

Debtor(s).

C/A No. 17-05664-jw

Chapter 13

**CONSENT ORDER REQUIRING
LOSS MITIGATION/MORTGAGE
MODIFICATION**

This matter comes before the Court upon the agreement of the Debtor, **Nowamagbe Austin Omoigui**, and **Federal National Mortgage Association/Seterus, Inc.** by and through its counsel to participate in the Loss Mitigation/Mortgage Modification Portal Program. With the consent of the parties, it is hereby

ORDERED that **Nowamagbe Austin Omoigui**, Debtor(s), acting through counsel, and **Federal National Mortgage Association/Seterus, Inc.** ("Mortgage Creditor") are directed to participate in LM/MM Portal Program according to Chamber Guidelines; it is further

ORDERED that the Debtor(s), Debtor(s)' counsel, the Mortgage Creditor and its counsel, and any participating co-borrower or obligor shall comply with the LM/MM Procedures set forth in Judge Waites' Chambers Guidelines (available at www.scb.uscourts.gov/ChambersJW.htm) and engage in the LM/MM process in good faith, and that failure to do so may result in the scheduling of a hearing to consider sanctions or other relief; and it is further

ORDERED that the Debtor(s), Debtor(s)' Counsel, and the Mortgage Creditor and its counsel shall observe the following deadlines:

- (1) Upon entry of this Order, Debtor(s)' Counsel shall immediately register on the Portal.¹ Once registered, all communication between the parties regarding the loss mitigation review shall be sent through the Portal. Communication and negotiation by the Debtor shall be through Debtor(s)' Counsel unless otherwise allowed by the Court.
- (2) Within 7 days after entry of this Order, the Mortgage Creditor shall register to use the Portal (if not previously registered), assign to the Portal the Mortgage Creditor's designated counsel, and ensure that the Portal provider has been provided with any and all application forms and documentation requirements necessary for consideration of all available types of LM/MM. Debtor(s)' Counsel shall report, by correspondence filed on the Court's docket, any failure to timely register to use the Portal.

¹ The Portal is available at <https://www.dclmwp.com>.

- (3) Within 14 days after entry of this Order, Debtor(s)' Counsel shall upload the standard LM/MM forms (the "Debtor(s)' Prepared Package") to the Portal and assign the LM/MM Mediator to the account in the Portal. Unless exempted by the Court, the Court's approved online document preparation program (the "Document Preparation Program"), provided at www.documods.com, must be used to complete the Debtor(s)' Prepared Package.
- (4) Within 7 days after submission of the Debtor(s)' Prepared Package and any additional documentation on the Portal, the Mortgage Creditor shall:
 - i. Acknowledge receipt of the information on the Portal;
 - ii. Provide on the Portal all contact information of the representative in charge of the Debtor(s)' account; and
 - iii. Notify Debtor(s)' Counsel of any additional or updated information required to process the application.
- (5) **Unless a shorter time is set by applicable law, rules or regulations or unless extended by the Mediator**, the Mortgage Creditor shall have a total of 90 days from entry of this Order ("Loss Mitigation Period") to conclude its consideration and provide a final response to the Loss Mitigation request by advising on all means of Loss Mitigation, including mortgage modification, or verify a denial by filing a Mortgage Loan Modification Report. Any denial shall state specific reasons for a denial.
- (6) Upon acceptance of the Debtor(s) in any Trial Period Plan and before the first trial period payment is due, Debtor(s)' Counsel shall submit a proposed Order Approving Trial Period Plan for consideration and approval by the Court.
- (7) **Other requirements set forth in Chambers Guidelines, which may include additional required steps and deadlines, are incorporated herein and shall be effective. Failure to adhere to the Order and Chambers Guidelines may subject parties and counsel to sanctions or other relief.**

It is further **ORDERED** that the parties must submit and seek Court approval of any final agreement providing for LM/MM using forms and procedures outlined in Judge Waites' Chambers Guidelines referenced above. Dismissal of the bankruptcy case, relief from the automatic stay as to the affected property, or reaffirmation of the debt shall not be a condition of loss mitigation, including modification of mortgage loan, unless allowed by the Court after consideration at a hearing; and it is further

ORDERED that, absent entry of a Consent Order Approving Loss Mitigation/Mortgage Modification, a final report must be submitted within thirty (30) days of the expiration of LM/MM efforts; and it is further

ORDERED that the Mortgage Creditor, via counsel, is ordered to inform the Court, the Debtor(s), Debtor(s)' Counsel, the Trustee, and any participating co-borrower or obligor if the applicable loan is sold or securitized to another company during the LM/MM process within 7 days of the transfer. The transferee or new servicer of the loan shall be advised of these requirements by the original Mortgage Creditor and shall be bound by all prior orders, agreements, forms, and documentation. The transferee or servicer shall register for the Portal within 7 days and the Mortgage Creditor shall transfer the Portal account to the transferee so that the transferee may review all previously submitted transmissions and continue with the process.


ORDERED that Debtor(s)' Counsel, in consideration for assisting the Debtor(s) with the LM/MM process and in addition to any other fees charged in connection with the case, shall be permitted to charge an additional attorney's fee of \$1,700. Said fee shall be paid in a manner described below and reflected in a fee disclosure:

☒ The entire fee of \$1,700 shall be paid to Debtor(s)' Counsel from the Chapter 13 Plan.

IT IS FURTHER ORDERED that should the Debtor(s) at any time fail to meet a payment obligation as described above, regardless of whether it is a direct payment to the attorney or a plan payment to the Trustee, Debtor(s)' counsel may report that failure to the Court by correspondence and request to be relieved from further obligation of LM/MM assistance.

AND IT IS SO ORDERED.

I CONSENT: /s/Eddye L. Lane
Eddye L. Lane
Attorney for Debtor
EDDYE L. LANE, P.A.
FED ID: # 04967

I CONSENT: /s/ 
Louise M. Johnson
Attorney for Federal National Mortgage
Association/Seterus, Inc
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